

APPROVED: Meeting No. 43-95

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 29-95

May 22, 1995

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on May 22, 1995, at 7:35 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Rose G. Krasnow

Councilmember Nina A. Weisbroth

In attendance: Acting City Manager Rick Kuckkahn, City Clerk Paula Jewell, and City Attorney Paul Glasgow.

Re: City Manager's Report

1. On May 19, Rockville Arts Place held their annual Art-For-A-Steal fundraiser, attended by the Mayor and Council and 200 other art enthusiasts. The event was a big success with RAP receiving significant publicity exposure from the Washington Post and the local media. RAP netted more than \$10,000 to help support the Center's budget.

2. The Washington Mustangs played their second home game on May 20 at Richard Montgomery High School stadium. The City and Richard Montgomery's Booster Club are co-sponsors of this activity and more than 2,000 soccer fans were in attendance.

The Mustangs played the Chili team from Catholic University, and the Mustangs defeated the Catholic University team 4 to 2.

3. Mr. Kuckkahn outlined the upcoming Hometown Holidays celebration scheduled to take place throughout the Memorial Day weekend in Town Center.

4. County Executive Duncan will hold a community briefing on the Central Processing Pilot program, June 14 from 7-9 p.m. at the District Court Building. The six-month pilot will be used to evaluate the Central Processing operation and its effects. City staff will contact neighborhood groups to inform them of the briefing.

Re: Proclamation declaring the week  
of May 27 - June 4, 1995 as  
**NATIONAL AQUATIC  
WEEK.**

Proclamation No. 11-95

By a unanimous vote of the Mayor and Council, May 27 through June 4, 1995 was declared "National Aquatic Week" in Rockville. Upon the request of the Mayor, Councilmember Weisbroth read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. The Proclamation was presented to Duane Silvia of the Swim Center Advisory Committee.

Re: Proclamation recognizing the  
**KIWANIS CLUB OF  
ROCKVILLE** on its 45th  
Anniversary.

Proclamation No. 12-95

By a unanimous vote of the Mayor and Council, a Proclamation recognizing

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the Kiwanis Club of Rockville on its 45th Anniversary was adopted. Upon the request of the Mayor, Councilmember Krasnow read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Maurice Ward, Past President of the Kiwanis Club of Rockville, accepted the Proclamation.

Mayor Coyle acknowledged Ms. Miglena Tatcheva, a Legal Advisor to the Governor of Varna, Bulgaria, who is visiting to the United States learning about local government.

Re: Presentation of interim  
report on the Human  
Needs and Services  
Advisory Task Force's  
progress and goals by  
Chairperson Rusty  
Wallace.

The Human Needs and Services Advisory Task Force (HNASTAF) was established in August 1994 to identify for the Mayor and Council, the City's needs and resources for the delivery of human services and to recommend methods to improve the quality of life for all. Mr. Wallace presented an overview of the Task Force's activities and progress thus far. Mr. Wallace expressed appreciation to the members of the Task Force, who he said, brought a wide range of expertise and opinions to the group. He also thanked City staff members Cheryl Lampkin, Mary Lou Jacobs, Stacy Wood, and Josephine Roberts, who provided a great deal of support to the Task Force.

Mr. Wallace noted that the City will be hiring a consultant to conduct a

needs assessment survey of Rockville residents, human services providers who serve Rockville residents, and human services clients who reside in Rockville. The survey process is expected to be completed in the summer. The Task Force expects that the final report will be available before the end of the calendar year; however, Mr. Wallace said that the timing for the completion of the needs assessment will have direct bearing in the timing of the completion of the Task Force's report to the Mayor and Council. On behalf of the Task Force, Mr. Wallace requested a three-month extension to effectively complete the work of the group. Mr. Wallace pointed out that there was serious potential for federal cut-backs which will have a direct bearing on the Task Force's recommendations especially as priorities are established from the survey results.

Mayor Coyle commented that the Interim Report was an excellent document for the Mayor and Council because the inventory and analysis done will help the Mayor and Council during its budget process. Mayor Coyle also pointed out that the work of the Task Force was a good process which involved citizens providing their own time to do substantial analysis of what their neighbors' needs were and what the services of the community should be.

Mr. Wallace remarked that the Task Force was surprised, in a positive way, to learn how much the Senior Center was able to raise funds on their own and give it back to the City. He said the Task Force took notice of this and will be looking closely at the

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Senior Center's operations as a model for other organizations that may be able to operate like this.

Councilmember Marrinan commented that it was clear that the federal government would be cutting back in the area of human needs, and the responsibility for providing these services would be transferred to the State; from the State to the County and then to municipalities. He also said it was clear that Rockville would have to provide the human "safety net" more than on the emergency basis that it was currently providing. Mr. Marrinan added that the Mayor and Council would have to be more conscious of the legal relationship between the City and the numerous organizations that it will have to deal with to ensure that there is accountability for the funds that the City disperses. Mr. Wallace confirmed that the Task Force would be taking up this issue at their next meeting.

Councilmember Krasnow noted that the list of human needs was enlightening as she, like most people, often thought of human needs as food and shelter. She said that our society had become more complex, and the Task Force lists included issues such as women's health, child abuse, family violence, and other facets which show the extent of the types of problems the Task Force had to address. Ms. Krasnow suggested that if the City was unable to help in all of the human needs areas, consideration should be given to focusing on specific areas where the City's funding would do the most good. Ms. Krasnow also said that she hoped the Task Force would define the role of the City vis-a-vis other levels of government so that the City does not overlap other programs,

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e.g., the County's, and also so that grant applications filed by human service groups can be coordinated with both jurisdictions.

Councilmember Dorsey noted that he had recently attended a meeting of the Council of Governments (COG) Human Services and Public Safety Policy Committee, and he said these were the exact concerns faced by other jurisdictions. Mr. Dorsey said he felt comfortable that Rockville has the Task Force and the process to study what the cut-backs would mean to local government. He informed Mr. Wallace that he shared some information picked up from COG with the City's Community Services Department, and he hoped that the Task Force will be able to work some its report into the specifics that COG anticipated.

A complete copy of the HNASATF Interim Report, dated May 22, 1995, can be found in the Office of the City Manager.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Lih Young, 1121 Pipestem Place expressed her disagreement with the City's decision to not rebroadcast the recent City Manager Selection Committee Public Forum. Ms. Young also complained that the meeting procedures established for the recent Mini White House Conference on Aging were biased. The Mayor and Council informed Ms. Young that the City had no control over those procedures; however, Mr. Kuckkahn was asked to check into the allegation.

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2. Dave Frieshtat, Attorney for RinkSport, Inc., and the Miller Companies spoke regarding Item 8A, a Text Amendment for Sport and Recreational Facilities. He said that his office had on file with the City, a use permit for the ice rink. In discussions with Chief of Planning Lisa Rother, he said it was not clear whether the Mayor and Council's discussion and instructions to staff included referral of the use permit to the Planning Commission for approval, or to let it would remain with staff. Mr. Frieshtat said he thought the Mayor and Council concluded that for industrial ground, the use permit would still have to go to staff, and he asked the Mayor and Council to clarify this.

(City Clerk's Note: See page 9 for discussion of this item)

3. William Meyer, 804 Levertton Road spoke in support of Consent Agenda Item 8B, the award of a bid for retrofitting an existing SWM facility at Locks Pond Court. He said that he hoped the Mayor and Council would get a timely construction contract for the retrofitting of the SWM facility. Mr. Meyer also asked about the status of staff's report on the West Edmonston underground stormwater water quality structure that was completed last fall, however, not functioning properly. Mr. Kuckkahn was asked to check into the status of this report. Councilmember Krasnow asked that staff provide a report of all the different structures the City had, which were functioning or not, the reasons why, and what the City's maintenance schedule was.

Re: Appointments

Upon motion of Councilmember Weisbroth, duly seconded and unanimously

passed, Kristen Bender and R. Lucille Roberts were appointed to serve on the Animal Matters Board. Ms. Roberts was appointed to serve as an Alternate.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Floria McGuckian was appointed to serve on the Cultural Arts Commission.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Ed Branges, Bob Mentzer, and Nancy Veit were appointed to serve on the Rockville Seniors, Inc. Ms. Veit was appointed to serve as the RSI Treasurer.

Re: Consent Agenda

Mayor Coyle noted that Item A would be removed for purpose of discussion. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda items were adopted:

- B. Award of Bid #91-95  
To: HMF Paving Contractors, Inc.  
Of: Frederick, Maryland  
In the amount of: \$71,211.60  
  
For: Construction services for retrofit of existing SWM facility at Locks Pond Court.
- C. Award of Bid #7-96  
To: Amtek Computer Services, Inc.  
Of: Baltimore, Maryland  
In the amount of: \$8,244.00  
  
For: The maintenance of the City's Hewlett Packard computer equipment for FY96 with an option to extend for two additional years.



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- D. Receipt of financial reports summarizing the results of City operations for the period from July 1, 1994, through April 30, 1995.

Re: (Item A) Introduction of Ordinance to Grant Text Amendment Application TXT95-0145, as amended, David Freishtat for RinkSport, Inc., and the Miller Companies.

Chief of Planning Lisa Rother said it was her understanding that the Mayor and Council were not referring the matter back to the Planning Commission, and instead were going to clarify the issues based on further information provided this evening.

The Mayor and Council expressed their concern about the use permit procedure as it specifically related to alcohol use. Councilmember Krasnow noted that the Planning Commission moved ahead on the proposal with the understanding that alcohol would not be allowed.

Councilmember Weisbroth said in this case, she was persuaded that the Mayor and Council should consider globally precluding alcohol availability in the context of the Text Amendment. She said this was a sport and recreational facility used primarily by ice hockey and figure skating groups and also included health and fitness related activities. Ms. Weisbroth said this seemed to be in contrast with the serving of alcoholic beverages.

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Councilmember Marrinan asked if the Mayor and Council's action could be subject to a successful legal challenge. City Attorney Glasgow said that the legislature was clear under the exercise of the land use powers, that there was room for local governments, to indirectly regulate the sale of alcoholic beverages through zoning authority by not allowing the use that provided for alcoholic sales in a particular zone. Mr. Glasgow said that the Mayor and Council would need to amend the definition section to include a prohibition of the sale of alcoholic beverages.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, an amendment to include the prohibition of the sale of alcoholic beverages in the definition section was adopted. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance, as amended, was introduced.

Re: Adoption of Ordinance to amend  
Chapter 8 of the Rockville City  
Code entitled "Elections."

Ordinance No. 3-95

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the amendments made since Introduction of the Ordinance were adopted. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Ordinance to amend and clarify the definition of a political action committee; to amend the reporting requirements by increasing the contribution and expenditure limits and by reducing the number of reports that are required to be filed; and to amend the penalty provisions in

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order to make certain violations municipal infractions rather than misdemeanors, was adopted, as amended. The full text of the Ordinance can be found in Ordinance Book No. 18 of the Mayor and Council.

Mayor Coyle commented that although the process had been extensive, he felt that the citizens of Rockville had been served well because the process for participating in City elections was made easier as the Ordinance clarified and made many technical, clerical and administrative changes. He noted that the Ordinance amendments were made retroactive to April 24, 1995. Mr. Glasgow said that the Board of Elections would meet on June 7, 1995 to review the recent Supreme Court case concerning campaign literature and to determine which categories of fines should be assigned for various election offenses. The Board will also be working on the revision of election-related forms.

Re: Adoption of Resolution to  
provide for a further public  
hearing for Annexation Petition  
X-110-91, Field Farms Limited  
Partnership, et al., Petitioners.

Resolution No. 6-95

Director of Community Development Neal Herst reported that the City had been requested by the original Petitioners and the new development team to begin the process of annexing the King Property (known as the Irvington Farm). He said it appeared that as a result of the bankruptcy filing undertaken several months ago, a

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solution was found to allow and require annexation into the City to occur. The City was taking an active approach in the annexation process and prior to the Mayor and Council's public hearing on July 17, 1995, the Planning Commission would study the area and make a report to the Mayor and Council on the proposed zoning for the area to be annexed.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Resolution No. 6-95 establishing July 17, 1995 as the public hearing date in connection with the annexation of 486.07 acres of land, was adopted. A copy of the Resolution can be found in Resolution Book No. 11 of the Mayor and Council.

Re: Adoption of Resolution to confirm the March 13, 1995 action of the Mayor and Council reducing the annual stipend recommended by the Compensation Commission for the Mayor and Councilmembers.

Resolution No. 7-95

City Attorney Glasgow explained that the Resolution simply confirmed by Resolution a motion adopted by the Mayor and Council on March 13, 1995. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Resolution confirming the March 13, 1995 action of the Mayor and Council reducing the annual stipend recommended by the Compensation Commission for the Mayor and Council, was adopted. The full text of the Resolution can be found in Resolution Book No. 11 of the Mayor and Council.

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Re: FYI/Correspondence

1. Mayor Coyle remarked on the appointment of Michelle Saxty, the new Executive Director of the Rockville Chamber of Commerce.

2. Councilmember Dorsey noted that the Clinton A.M.E. Computer School will hold its graduation on May 25, 1995 at 7:00 p.m.

Re: New Business

1. Mayor Coyle referenced a memo from the City Clerk regarding potential dates for interviewing candidates for the City Manager position. He asked that members of the Council check their calendars so staff could confirm the dates.

2. Mayor Coyle said he received a phone call from the new Executive Director of the Maryland Municipal League who asked him to write an article for the MML Newsletter on disaster planning. He said he would be working with Public Information Officer Don Vandrey on this project and he planned to reference the City's own adjunct disaster plan.

3. Councilmember Krasnow said the County had formed a telephone "tree" system to notify residents of problems at the Detention Center, however because the City started a hot-line for persons to call in with questions on the jail, the County decided to discontinue the telephone "tree." She stated that there was no reason for this to happen and she asked that staff follow up on this with the County to reinstate the system.

Re: Next Meeting

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The Mayor and Council will meet in Worksession on Tuesday, May 23, 1995 for the purpose of continuing the general overview of departmental budgets, to discuss the CIP Budget and to meet with the Human Rights Commission.

Re: Adjourn to Executive Session

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, with Mayor Coyle, Councilmembers Dorsey, Krasnow, Marrinan, and Weisbroth voting "aye," the Mayor and Council adjourned to Executive Session at 9:20 p.m. pursuant to Section 10-508(a)(7) of the State Government Article, Annotated Code of Maryland to consider a matter that concerns the proposal for a business or industrial organization to locate in the City.